

WPA 18513 of 2023

Smt. Polly Dutta

-vs-

The State of West Bengal & ors.

Mr. Asit Kumar Bhattacharyya

....for the petitioner

Mr. Bratin Kr. Dey

Mr. Joydeep Das

...for the respondent no.6

Mr. Wasim Ahmed

Mr. Sk. Md. Masud

...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the mother of the respondent nos. 5 and 6 and the mother in law of the respondent no.7. The husband of the petitioner who owned the property in question died intestate on 04.02.2007. After that, the petitioner and his sons and daughters inherited property in question. After some time, the private respondents started torturing the petitioner in order to grab the entire property. In fact, the petitioner has now been driven out by the private respondents from the property that is jointly owned by her.

Learned counsel appearing on behalf of the respondent no.6 submits as follows. The allegations made in the writ petition are denied. By a deed of gift dated 14.03.2013, the petitioner and the respondent no.5 had gifted away their portions in the property in question to the respondent no.6. Both sides had lodged complaints against each other.

Learned counsel appearing on behalf of the State submits as follows. There is an existing family dispute over respective shares in property. However, the police authorities are keeping a watch in the locality.

At this stage, learned counsel for the petitioner submits that the petitioner had not executed any deed of gift. She was told that a power of attorney would be executed. This was fraudulently done by the others for which the petitioner is not responsible.

It appears that there is a dispute over respective shares of family members in the ancestral property.

From a copy of the deed of gift of 2013, it appears that a portion of the property was gifted by the petitioner and the respondent no.5 to the respondent no.6.

However, the execution of the deed gift is disputed by the petitioner who says that she has come to know about the deed gift only some time ago.

It shall be opened to the petitioner to apply for cancellation of such deed before the learned Civil Court or to take any other step as she deems fit and proper.

However, the petitioner, at this old age, shall not be relegated to the Civil Court for exercising a right to return her own residential house where she was a co-sharer.

Accordingly, let the petitioner intimate the date and time on which she intends to return her house to the Officer in Charge of Patuli Police Station with a 24 hours' notice. The Officer-in-Charge thereafter shall take necessary steps

to provide police escorts to the petitioner so that she can return to the residential house.

Even thereafter, the police authorities would maintain a vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)